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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,627	01/14/2004	Paul Wouters	AGFA1-0044	5779
23550	7590	11/25/2005	EXAMINER HSIEH, SHIH WEN	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FL ALBANY, NY 12207			ART UNIT 2861	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/757,627

Applicant(s)

WOUTERS, PAUL

Examiner

Shih-wen Hsieh

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-14-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Instant application has more than one paragraphs.

3. The disclosure is objected to because of the following informalities:

Page 7, line 16, please change the first "is" into "in", so the statement becomes "Changes in mounting position is....".

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4. Claims 1-4 and 6 are objected to because of the following informalities:

The following are corrections to a minor lack of antecedent basis problem:

In regard to:

Claim 1:

Line 1, please change "the print head" into "a print head".

Claim 2:

Line 1, please change "the depth" into "a depth" and "the wiper blade height" into "a wiper blade height".

Claim 3:

Line 1, please change "the length" into "a length".

Claim 4:

The recitation of: "Wiper assembly according to claim 2 of the preceding claims" is like a multiple dependent statement (note the underlined portion). However, this claim depends on claim 2 only. Therefore, suggesting delete "of the preceding claims". So, this claim will read: "Wiper assembly according to claim 2, wherein the wiper blade holder is made of a metal or rigid plastic".

Claim 6:

Suggest changing the dependency of this claim from depending on claim 5 to depend on claim 1. Because the recitations in claims 5 and 6 reveal two options: the two blades in claim 5 are separately clamped, while these two blades in claim 6 are commonly clamped. A dependent claim is supposed to further limit a claim to which this dependent claim directly depends on. Therefore, claim 6 is not further limit claim 5,

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instead, it provide another option of clamping and should be disposed in parallel with claim 5. Please be advised.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 7 rejected under 35 U.S.C. 102(e) as being anticipated by Lin (US Pat. No. 6,669,328 B2).

In regard to:

Claim 1:

Lin teaches:

Wiper assembly for wiping the print head (102, fig. 4, col. 5, line 1) with a nozzle plate (110, fig. 4, col. 5, lines 6-7) in an inkjet printing system comprising at least one wiper blade (302, fig. 3, col. 4, lines 26-32), characterised in that said wiper blade is clamped sideways by a rigid wiper blade holder (314, fig. 3, col. 4, lines 26-32, Lin called numeral 314 as a base, however, its function as shown in fig. 3A is like a clamp,

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and is used to hold the wiper main body 302 as it was shown in fig. 3B after assembled).

Claim 7:

Lin further teaches:

wherein at least one wiper blade has a protruding heel (304a, fig. 3), refer to col. 4, lines 26-42.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin.

In regard to:

Claim 2:

The device of Lin DIFFERS from claim 2 in that it does not teach:

wherein the depth over which the wiper blade is clamped by the wiper blade holder is at least 20% of the wiper blade height.

A visual inspection of fig. 3B, the portion of the support (304) being clamped by the base can be seen as at least 20% of the wiper blade height. Or:

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to clamp the supporting portion (304) to a certain height of the supporting portion, since it has been held that discovering an optimum value of a result effective variable (such as 20% in this claim) involves only routine skill in the art, refer to MPEP 2144.05II B.

Claim 3:

The device of Lin DIFFERS from claim 3 in that it does not teach:

wherein the length of the wiper blade is larger than the nozzle plate length.

Generally, a length of the wiper blade is larger than a length of the print head. This length of the print head is a side of the print head parallel with the length of the wiper, refer to MPEP 2144.03, In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942).

Therefore it would have been an obvious matter that the length of the wiper blade is generally larger than a length of the print head such that a wiping action can cover the entire nozzle face.

Claim 4:

The device of Lin DIFFERS from claim 4 in that it does not teach:

wherein the wiper blade holder is made of a metal or rigid plastic.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a known material as the material of the wiper

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holder (base), since it has been held to be within the general skill of a worker in the art to select a known material such as plastic on the basis of its suitability for the intended use, refer to MPEP 2144.07.

Claim 5:

The device of Lin DIFFERS from claim 5 in that it does not teach:

at least 2 wiper blades which are clamped separately by said wiper blade holder.

Lin teaches only one wiper assembly as it was shown in fig. 3. However, two wiper assemblies used in an ink jet printer are commonly seen in ink jet printer filed, refer to MPEP 2144.03, In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to dispose another of this wiper assembly (fig. 3B) along with the original one, since it has been held that mere duplication of the essential working parts of a device (in this case duplication the wiper assembly as shown in fig. 3B) involves only routine skill in the art, refer to MPEP 2144.04 VI B.

Claim 6:

Wiper assembly according to claim 1 comprising at least 2 wiper blades clamped by a common clamping block.

Rejection:

Two wiper blades clamped by a common clamping block is commonly seen in ink jet printer field, refer to MPEP 2144.03, In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942).

Claim 8:

The device of Lin DIFFERS from claim 8 in that it does not teach:
wherein the assembly forms an integral replaceable module.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to integrally form the wiper assembly, since it has been held that forming in one piece of an article which was formerly been formed in more than one pieces and put together involves only routine skill in the art, refer to MPEP 2144.04 V B.

As to the assembly can be replaceable, this feature is also well known in the art, the purpose of replacement is to replace a worn-down wiper assembly, refer to MPEP 2144.03, In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942).

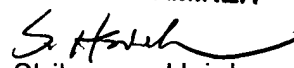
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S D. Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHIH-WEN HSIEH
PRIMARY EXAMINER


Shih-wen Hsieh
Primary Examiner
Art Unit 2861

SWH


Nov. 22, 2005